

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WILLIAM HAMBY, JR. #135146)	
Plaintiff(s))	
)	
v.)	Case No. 3:17-0629
)	Judge Trauger /Frensley
)	
MOLLY O'TOOLE, et. al.)	
Defendant(s))	

REPORT AND RECOMMENDATION

The undersigned previously entered an Order on August 7, 2018, directing the Clerk's Office to send a service packet for Corizon Healthcare, Inc. as that defendant was not served and was not properly before the Court. Docket No. 116. The completed service packet should have been returned within 30 days of receipt of that order. In review of the docket, Plaintiff has not returned the service packet, nor has he filing anything indicating his intentions to Corizon.

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court's previous Order. Therefore, the undersigned recommends that this case¹ be dismissed without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to the Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this

¹ Corizon is the only remaining defendant in this action. Defendant Molly O'Toole was dismissed on August 27, 2018, by Order entered by Judge Trauger. Docket No. 117.

Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



JEFFERY S. FRENSLEY
United States Magistrate Judge